

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: SORENSON PARK WEST SUBDIVISION

Case Number: PLD2004-00003, SEP2004-00003, EVR2003-00063

Location: 11000 NW 21st Avenue; A portion of Tax Lot 322 (189193-006) and Tax Lot 118, 212, 299 (188997) in the NW ¼ of Section 33, Township 3 North, Range 1 East of the Willamette Meridian.

Request: The applicant proposes to subdivide approximately 2.47 acres into 16 single-family residential lots using the Residential Infill Standards, 40.260.110.

Applicant: LAWINCO, LP
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Contact Person: John Lawson, and / or
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Property Owner: James Kay
11000 NW 21st Avenue
Vancouver, WA 98685
(360) 574-5623

RECOMMENDATION **DENIED¹**

Team Leader's Initials: _____ Date Issued: April 12, 2004

Public Hearing Date: April 27, 2004

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
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Comp Plan Designation: Urban Low Density Residential (UL)

Parcel Number(s): Single-Family Residential District (R1-7.5)

Applicable Laws:

Clark County Code Chapter 40.350 (Transportation), 40.350.020 (Transportation Concurrency), Chapter 40.380 (Storm Water Drainage and Erosion Control), 15.12 (Fire Code), Chapter 40.570 (SEPA), 40.540.040 (Subdivision and Large Lot Subdivision Provisions), 40.260.110 (Residential Infill), 40.610 (Impact Fees), 40.220.010 (Single-Family Residential Districts, R1-7.5), 40.370.010 (Sewerage Regulations), 40.370.020A (Water Supply), RCW 58.17 (State Platting Statute)

¹ Even though the development is being denied because it cannot comply with the applicable sections of the concurrency management, transportation standards, and stormwater and erosion control ordinances, staff has identified some conditions of approval in this report. The provision of these conditions does not constitute a tacit approval or support for this development as proposed. The applicant bears the burden of demonstrating that the development proposal can comply with the minimum standards in the applicable code sections. If the Hearings Examiner decides to approve the subdivision, then staff requests an opportunity to identify the relevant concurrency, transportation, storm water and erosion control conditions of approval.

Neighborhood Association/Contact:

Felida N. A.
Michele Cotner, President
3711 NW 134th Circle
Vancouver, WA 98685
(360) 573-0822

Time Limits:

The application was submitted and determined to be counter-complete on January 12, 2004. The application was determined to be fully complete on February 17 2004 (see Exhibit No.9). The applicant was asked to submit additional information thereby, extending the deadline by 15 days (see exhibit 8). Therefore, the County Code requirement for issuing a decision within 92 days lapses on May 19, 2004. The State requirement for issuing a decision within 120 calendar days, lapses on June 16, 2004.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on August 14, 2003. The pre-application was determined to be contingently vested as of July 24, 2003 (i.e., the date the fully complete pre-application was submitted).

The fully complete application was submitted on January 12, 2004 and determined to be fully complete on February 17, 2004. Given these facts the application is vested on February 3, 2004 (i.e., the date the additional information was submitted). There are no disputes regarding the vesting date of this application.

Public Notice:

Notice of application and public hearing was mailed to the applicant, Felida Neighborhood Association and property owners within 300 feet of the site on March 3, 2004. One sign was posted on the subject property and two within the vicinity on April 12, 2004. Notice of the SEPA Determination and public hearing was published in "The Columbian" newspaper on April 12, 2004.

Public Comments:

The county did not receive any public comments regarding this project; but during the pre-application conference, some neighbors attended the meeting to voice their concerns regarding the proposed infill development.

Project Overview

The applicant is requesting a preliminary plat approval to subdivide approximately 2.47 acres into 16 single-family residential lots in the R1-7.5 Zoning District using the Tier II Residential In-Fill development standards, CCC 40.260.110. The development site is a lot created after boundary-line adjusting Tax Lots 322 (189193), Tax Lot 118,212,299 (188997), and Tax Lot 200 (189078).² Lot 12 of the proposed plat has a mobile home and a shed that will be retained.

The R1-7.5 Zoning District permits a single-family dwelling on a minimum lot area of 7,500 square-feet. The residential in-fill ordinance provides incentives to encourage the development of by-passed parcels. Some of the incentives include variations to the road standards, smaller lot minimum area, and no minimum lot width and minimum lot depth requirements. In the R1-7.5 Zoning District, for example, the lot size could be reduced to 6,000 square feet per single-family dwelling.³

Table 1, describes the comprehensive plan designation, zoning, and current land use on the site and on the abutting properties:

Table 1: Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Low Density Residential (UL)	Single Family Residential R1-7.5	The site has a knoll that slopes north wards and south-wards, flattening out as the lay of the land spreads out in those directions. The site has mostly grass with a few stands of trees and flowering plants near the mobile home.
North	UL	R1-7.5	Clark Public Utility District #1 water tower, single family housing development in Sorenson Heights Subdivision, G896. The vegetation comprises landscaping trees along property boundary.
East	UL	R1-7.5	The proposed Sorenson Park East, Tier II In-Fill subdivision. The property has one single family dwelling and landscaping trees.
South	UL/Public Facility (PF)	R1-7.5/PF	Housing development in Rolling Hills Meadows and a portion of the property owned by Vancouver School District.
West	Parks (P)/Open Space (OS)/PF	Parks/Wildlife/ PF	Property owned by public agencies. The school property is an open field with grass, and the Parks property is undeveloped.

² The application package does not include any document(s) describing the lots that are being boundary line adjusted; therefore, staff is reviewing this application as a conceptual proposal.

³ Additional discussion follows under Land Use on page 5.

The USDA Soil Conservation Service, Soil Survey of Clark County, Washington, 1972, classifies the soils at this site as those of Hillsboro silt loam (HoC) on slopes ranging from 8 to 15 percent.

Maps from Clark County's GIS Mapping System do not indicate that the site contains any wetlands, a 100 year flood plain or flood fringe, or any other regulated sensitive lands such as steep slopes, potentially unstable slopes and habitat.

The property is located within the City of Vancouver's urban growth area (UGA). It is situated in an area served by Fire Protection Districts 5, Vancouver School District, Hazel Dell Traffic Impact Fees District, and Parks Improvement District 9. Clark Public Utilities provides public water and Hazel Dell Sewer District provides sewer service in the area, respectively.

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Zoning:

Finding 1

The development site is approximately 2.47 acres. If the proposed development were to occur at the minimum density permitted by the R1-7.5 zone, then the gross acreage could be divided into 10 lots; but if the development were to occur at the maximum density, then the gross acreage could be divided into 14 lots, each with a minimum lot area of 7,500 square feet. The applicant is proposes 16 lots using the Tier II Residential In-Fill standards, which permits a density of 7.3 dwellings per acre in the R1-7.5 district. (See additional discussion under Finding 2)

Residential In-Fill

Finding 2

CCC 40.260.110 permits in-fill of by-passed urban parcels in the R1-7.5 zoning district. The ordinance provides incentives (e.g. smaller lots, variation from the County's Transportation Standard may occur, and variation from the Stormwater and Erosion Control Ordinance may also occur, where applicable), public notice and design guidelines, to foster in-fill development while striving to maintain neighborhood compatibility. The code also provides a 2-tier system for reviewing residential in-fill applications. Tier 2 in-fill standards provide more incentives to the developer and require a public meeting to be held between the developer and the neighbors. This development qualifies for a Tier 2 Residential In-fill development because the minimum lot area proposed is approximately 6,717 square feet (see Exhibit 5).

CCC 40.260.110 (B) (1) provides the eligibility criteria for residential in-fill development, and CCC 40. 260.110 (I) provides the standards and incentives regulating Tier 2 in-fill development. Staff finds that this proposal meets all the applicable criteria for Tier 2 Residential In-Fill development. The applicant has provided documentation regarding the neighborhood meeting including the mailing list, a sign in sheet documenting those that attended the meeting and the minutes of the meeting. (See Exhibit 6, tab, Neighborhood Meeting, Minutes and Sign-in Sheet) Therefore, no condition of approval is necessary with this finding.

Finding 3

Table 2 "A" shows the minimum parcel area permitted for single-family detached housing development in the R1-7.5 zoning district using residential infill standards, and Table 3 summarizes the set back standards for residential infill development [see Table 40.260.110-2 and CCC 40.260.110 (I) (4)].

Table 2: Minimum Parcel Area for Detached Single-Family Dwellings

Classification	Minimum Parcel Area – Detached Single-Family
R1-7.5	6,000 square feet (See Finding 4)

Table 3: A summary of the required set back for residential infill

Classifi cation	Setback					
	Front Yard (For Garage Door or Carport)	Front Yard (Other Structures)	Side Yard (For Garage Door or Carport)	Side Yard (For other Structures)	Rear Yard (For Garage Door or Carport)	Rear Yards (For other Structures)
R1-6	18 feet	10 feet	18 feet	5/10 feet	18 feet	5 feet

See condition of approval B-1

Finding 4

Staff finds that lots 3, 4, 7, and 8 abutting NW 22nd Avenue (private), and lots 9, 13, 14, 15, and 16 do not comply with the definition of a “Lot” per CCC 40.100.070 (Lot) because, as proposed, these lots also include the easements for the private streets, thereby, making it difficult to define the *front lot line* per CCC 40.100.070 (Front Lot Line). CCC 40.100.070 defines the *front lot line* as *the property line abutting a street, or approved private road or easement*. (Emphasis added) For the above mentioned lots, if the front lot line abuts NW 22nd Avenue (Private) and 110th Street (Private), respectively, then the area of these lots could be smaller than the average lot size for this residential in-fill development. The applicant needs to revise the plat to reconfigure the proposed lots to comply with the applicable code sections. (See condition of approval A-1)

Finding 5

The applicant is terminating NE 109th Street in a cul-de-sac, a portion of which lies on the school’s property. The applicant has submitted a letter from Vancouver School District’s administrators indicating an agreement to quit claim some portion of the school property for a 50-foot extension of NE 109th Street, and a 15-foot wide sewer easement along the northern boundary of the school property for the benefit of Hazel Dell Sewer District.

The approval of these easements requires action by the Vancouver School Board. The applicant shall submit a recorded easement and quit claim deed granting the use of the school property for the cul-de-sac and the routing of utility lines prior to final plat recording. (See condition of approval A-2)

A not shall be placed on the final plat stating as follows: “The proposed cul-de-sac at the terminus of NE 109th Street shall be temporary; and, if a through road is required for cross circulation in the area, the road shall be extended as needed.” (See condition of approval D-1)

Finding 6

There is a mobile home on the proposed Lot 12 that will be retained. The applicant’s narrative does not propose or discuss the citing of additional mobile homes on any lot approved in this subdivision. Additionally, the review of this development does not include the potential development of the site for mobile home installation (see condition of approval D-3).

CRITICAL AREAS:

There are no critical land concerns with this development as evidenced by the information obtained from the county's GIS Mapping System.

TRANSPORTATION CONCURRENCY:

County concurrency staff has reviewed the proposed Sorenson Park East and West consisting of a total 25 lot subdivision. The site has 2 existing residences that will remain. The applicant's traffic study has estimated the weekday AM peak hour trip generation at 17 new trips, while the PM peak hour trip generation is estimated at 23 trips. The following paragraphs document two transportation issues for the proposed development.

Issue #1: Concurrency

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020B and is required to meet the standards established in CCC 41.350.020G for corridors and intersections of regional significance. The County's Traffix™ model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance.

Site AccessFinding 1:

Level of Service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site access to the arterial and collector network (NW 21st Avenue). The access appears to maintain acceptable LOS.

Operating LOS on CorridorsFinding 2:

The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards. The applicant should reimburse the County for costs incurred in running the concurrency model.

Concurrency Compliance

The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

Issue 2: Safety

Where applicable, a traffic study shall address the following safety issues:

- Traffic signal warrant analysis,
- Turn lane warrant analysis,
- Accident analysis, and
- Any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily

agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Traffic Signal Warrants

Finding 3:

Signal warrants are not met at any of the subject intersections analyzed in the applicant's traffic study.

Turn Lane Warrants

Finding 4:

Turn lane warrants are evaluated at un-signalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of the un-signalized intersections analyzed in the applicant's traffic study; therefore, mitigation is not required.

Historical Accident Situation

Finding 5:

The applicant's traffic study analyzed the accident history at the regionally significant intersections; however, all of the historical accident rates at these intersections are below 1.0 accident per million entering vehicles. Therefore, mitigation by the applicant is not required.

Sight Distance Triangle and Stopping Sight Distance

Finding 6:

The applicant's traffic study reports an existing sight distance deficiency at the intersection of NW 109th Street and NW 21st Avenue. The development proposes to realign the intersection to the north of its current location. Currently only four homes use this access point. The development also proposes to close the driveway along the north property line through proposed lot 8. This will result in additional traffic using the realigned NW 109th street access point, a total of 30 single family homes. The applicant should be required to ensure that the realigned intersection will comply with CCC 40.350.030(B) (8) for sight distance.

Stopping Sight Distance

Finding 7:

The traffic study reports an existing stopping sight distance deficiency along NW 21st Avenue, due to a vertical curve in the roadway. Staff has checked the County Road Conditions Inventory, Section III.3 for ongoing roadway segments improvements. There are currently 58 projects on this small ongoing projects list. The inventory does include an item for fixing the sight distance deficiency on NW 21st Avenue, for a segment in the area of NW 111th Street. This project is ranked number 35 on the list. Generally, the County has the funds to construct one to three small projects per year. Assuming that the list is not reordered, or that additional projects are not added to the list, the segment to improve the sight distance on this section of NW 21st Av is not likely to be constructed in the near future. The list will be reordered as new collision data, traffic counts, etc., are available.

Mr. Bruce Schafer suggested in a letter to the County Engineer (a copy can be found in Appendix J of the traffic study) that the vertical curves limiting stopping sight distance along NW 21st Avenue require immediate attention, and that the County is responsible to fix the sight distance issue. The County has addressed the issue, by placing the potential project on a prioritization array, and the County will attempt to reconstruct the road when it ranks at the top of the list, and as funding becomes available. It would not be appropriate to move this project ahead of the other 34 higher ranking small projects, just because a new development is being proposed at or near this location. A similar argument could be made for any number of the other projects on the entire list of 58 projects.

The proposed developments will change the number of single family homes using 109th Street to access NW 21st Avenue along the deficient roadway segment. Based on ITE Trip Generation, the average week day traffic will change from 38 trips to 287 trips, entering and leaving at NE 109th Street. Staff concludes that with the addition of Sorenson Park East and West a “*significant traffic or safety hazard would be caused or materially aggravated by the proposed development*”.

Volunteered Mitigation

Finding 8:

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B) (6) if the applicant “voluntarily agrees to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

The applicant should volunteer to mitigate for the deficient stopping sight distance on NW 21st Avenue near 109th Street. The applicant has not volunteered to undertake any mitigation measures to improve stopping sight distance safety. If additional safety mitigation is proposed, staff requires adequate time to review the measures for acceptability. Approved mitigation measures must be completed and/or implemented prior to the occupancy of the proposed development.

Recommendation

The County finds that since the applicant has not proposed any mitigation measures, staff recommends **denial** of the application for the reason that with the addition of Sorenson Park East and West a “*significant traffic or safety hazard would be caused or materially aggravated by the proposed development*”.

TRANSPORTATION:

Pedestrian/Bicycle Circulation

Finding 1

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The development plans propose sidewalk along the frontage of NW 21st Avenue, NW 109th Street, and along the south side of the proposed NW 110th Street, a private access road. Bike lanes are not required along NW 21st Avenue, a 2-lane collector road (C-2), and urban access roads. The project does not propose a sidewalk along the proposed NW 22nd Avenue and the joint driveway extension at its northerly termination. Due to the steep slope and the topographic restrictions which may result in construction of

retaining walls will create a hazardous condition for pedestrians along this roadway. Staff finds, that requirement for sidewalk along this roadway is warranted. Based on this information, the proposed pedestrian circulation does not comply with Section CCC 40.350.010.

Circulation Plan

Finding 2

NW 21st Avenue, a collector road to the east of the development, is a primary north-south circulator road in vicinity of the site. The existing NW 109th street to the south and the proposed onsite roadways, NW 110th Street and NW 22nd Avenue, will provide for east-west and north-south circulation. Staff finds that the existing roadways and the proposed onsite roads will provide adequate cross-circulation for serving the proposed subdivision and will allow future developments to meet the cross circulation standards in compliance with Section CCC 40.350.030(B)(2).

Roads

Finding 3

The proposed development will be accessed via NW 21st Avenue to the east of the site. This roadway is classified as a 2-lane urban collector road (C-2). The minimum half-width right-of-way dedication and frontage improvements along this road in accordance with Standard Details Manual, Drawing #12, include:

- A minimum half-width right-of-way of 30 feet
- A minimum half-width paved roadway of 19 feet
- Curb/gutter, landscaping, and a minimum detached sidewalk width of 6 feet

If the improvements are not completed by Sorenson Park West development (PLD2003-00088), this project will be responsible for improvements at intersection of NW 109th Street with NW 21st Avenue. The applicant has requested a road modification to construct attached sidewalk in lieu of the required detached sidewalk. (See Transportation Finding 9)

Finding 4

NW 109th Street is a publicly maintained roadway within a 60-foot right-of-way. This roadway is classified as a "Local Residential Access" road. The minimum half-width right-of-way dedication and frontage improvements along this road in accordance with Standard Details Manual, Drawing #14, include:

- A minimum half-width right-of-way of 23 feet
- A minimum half-width roadway of 14 feet
- Curb/gutter and a minimum sidewalk width of 5 feet

If the improvements are not completed by Sorenson Park West development (PLD2003-00088), this project will be responsible for the required improvements along its frontage.

The project proposes to install stormwater facilities within the right-of-way of NE 109th Street. Staff believes that vacating a portion of the right-of-way for placement of stormwater facilities, intended to benefit a private development, will be required.

The applicant is proposing to terminate the roadway in a temporary cul-de-sac with a 35-foot radius paved bulb and a 5-foot thickened sidewalk in a 40-foot right-of-way within the Parcel # 189129-000 owned by Vancouver School District. The applicant has provided a draft quit claim deed and right-of-way dedication to Clark County a letter of consent signed by the authorized agent of the school property to allow this turnaround within the school property. The letter indicates that the proposed dedication will be presented to the School Board for approval. Staff finds that this document has no legal binding as presented since the dedication is contingent on approval by the School Board. The applicant shall provide an alternate plan for the required temporary turnaround at the terminus of NE 109th Street.

The applicant proposes to construct the cul-de-sac in accordance with Standard Details Manual, Drawing 28. However, the proposed temporary cul-de-sac shall be constructed in accordance with Standard Details Manual, Drawing 31.

The applicant has requested a road modification to use a shed-section for the roadway surface in lieu of the required crown-section. (See Transportation Finding 9)

Finding 5

NW 110th Street is proposed as a private road with a 24-foot wide paved roadway, curbs, and 5-foot wide sidewalk on the south side, all within a 30-foot easement. The roadway is terminated in a 35-foot radius paved cul-de-sac with a 5-foot thickened sidewalk within a 40-foot right-of-way in accordance with Standard Details Manual, Drawing 28. If the improvements are not completed by Sorenson Park West development (PLD2003-00088), this project will be responsible for the required improvements.

The applicant is required to show evidence that using this road to access the proposed lots within the development is permitted by the terms of the easement agreement and the owners of the private street.

This road shall be improved to the private road standards in accordance with the provisions of CCC 40.350.030(B) (10).

The applicant has requested a road modification to use a shed-section for the roadway surface in lieu of the required crown-section. (See Transportation Finding 9)

Finding 6

NW 22nd Avenue is proposed as a private roadway with paved width of 20-foot within a 25-foot access and utility easement. This road shall be improved to the private road standards in accordance with the provisions of CCC 40.350.030(B) (10). In accordance with the provisions of CCC 40.350(B) (10) (b) (2) (d) parallel parking is prohibited along NW 22nd Avenue. The developer will be responsible for installation of "No Parking" signs along the proposed private roadway.

The applicant has requested a road modification to use an inverted crown section for the roadway surface in lieu of the required crown-section. (See Transportation Finding 9)

Sight Distance

Finding 7

The stopping sight distance along NW 21st Avenue is obstructed due to the existing vertical curve along NW 21st Avenue just to the north of the intersection of NW 109th Street and NW 21st Avenue. Furthermore, the existing topography at the northwest corner of this intersection limits the corner sight distance for entering NE 21st Avenue from NE 109th Street. Undertaking measures to mitigate the impacts of additional traffic generated by the proposed development are required. Exacerbating safety conditions results in denial of the project.

In compliance with CCC Table 40.350-030-11, the required sight distance at controlled intersections for the posted speed of 35 mph along uncontrolled roadway in either direction shall be 350 feet. The applicant's traffic engineer has submitted a sight distance analysis for the intersection of the NW 109th Street with NW 21st Avenue. The traffic engineer certifies that the required sight distance triangle at this intersection can be met by relocating the existing intersection to the north, eliminating the existing retaining wall to the north, and removing vegetation to the south. The applicant proposes to comply with the recommendations of the traffic engineer.

The available stopping sight distance along NW 21st Avenue does not comply with the requirements of CCC 40.350. In accordance with CCC Table 40.350.030-10, a stopping sight distance of 250 feet for the posted speed of 35 mph is required. The applicant has not proposed any mitigation plans to address the substandard stopping sight distance along this section of the roadway. The applicant's traffic engineer has indicated in a letter (see Exhibit 7, Appendix J) that there are existing deficiencies in stopping sight distance on NW 21st Avenue between NW 109th Street and NW 110th Street. The letter indicates that without the Sorenson Park East and Sorenson Park West developments the deficiencies in sight distance will remain and it would be the county's responsibility to consider actions that is necessary for the safety of public. Although this is an existing condition, increased trips generated by this development will exacerbate traffic safety of traveling public.

The site's topography may pose some problems in limiting sight distances along the proposed internal roadways. Driveways and intersections shall have unobstructed sight distance triangles and the roadways shall have minimum stopping sight distances in accordance with the provisions of Section CCC 40.350.030(B)(8).

In compliance with CCC Table 40.350-030-11, the required sight distance at controlled intersections for the posted speed of 25 mph along uncontrolled roadway in either direction shall be 250 feet. Sight distance triangle at intersection of the proposed NE 110th Street / Avenue and NE 109th Street does not meet the requirements of CCC Table 40.350.030-11. The applicant shall revise the plan or propose mitigation to address safety concerns due to deficient sight distance at this intersection.

Intersection Design

Finding 8

The proposed intersections shall be designed in accordance with Section CCC 40.350(B) (7). The full access intersection spacing along collector roads in compliance

with CCC Table 40.350.030-2 shall be 275 feet. The separation between the intersections of NW 109th Street / NW 21st Avenue and the exiting intersections along NW 21st Avenue do not comply with CCC 40.380.

Road Modification

Finding 9

1) Approval Criteria - If a development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550.010(A)(1). The request shall meet one (or more) of the following four specific criteria:

- a. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
- b. *A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.*
- c. *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
- d. *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

2) Modification Requests

- 2-a The County Arterial Atlas requires detached and meandering sidewalk along the collector roadways. The applicant requests a road modification to allow a curb-tight sidewalk along NW 21st Avenue. The applicant requests a modification for attached sidewalk to minimize the grading impact to the existing house.
- 2-b The applicant requests a modification to allow a cross-slope (shed-section) for NW 110th Street, the onsite private road. CCC 40.350 does not provide provisions for roadways with shed-section. The applicant indicates that the modification is a minor change that provides an equal design to road standards because the proposed modification is to aid the stormwater collection.
- 2-c The applicant requests a modification to allow a shed-section for the required improvements along the northerly portion of the exiting NW 109th Street. The applicant indicates that this will provide a dual benefit in that it does not result in a crown in the road being located in the center of the north lane and it allows for better driveway approach to the north.
- 2-d The applicant also requests a modification to allow inverted crown road section for NW 22nd Avenue, the onsite private road. CCC 40.350 does not provide provisions for roadways with inverted crown section. The applicant indicates that the modification allow for better access to the lots and allow for stormwater collection without use of ditches.

3) Staff's Evaluation –

- 3-a Staff concurs with the applicant that a detached sidewalk will require additional grading and a retaining wall along the property frontage on NW 21st Street. Staff finds that the request complies with the approval criterion described in Section CCC 40.550.010(A) (1) (a).
- 3-b Staff concurs with the applicant that the requested modification allows for collection of stormwater more efficiently. Staff finds that the request complies with the approval criterion described in Section CCC 40.550.010(A) (1) (b).
- 3-c Staff finds that the runoff from the created impervious surface due to the required frontage improvement along north side of NW 109th Street will have some impacts on the existing residential lots to the south. The proposed shed-section will not allow for treatment of runoff from the created impervious surfaces. The applicant has not provided any evidence to show that the modification will not have any adverse impacts. Staff finds that the requested modification does not comply with any of the approval criteria described in Section CCC 40.550.010(A) (1) (b).
- 3-d Staff concurs with the applicant that the requested modification allows for collection of stormwater more efficiently. Staff finds that the request complies with the approval criterion described in Section CCC 40.550.010(A) (1) (b).

- 4) Staff's Recommendations - Staff recommends **approval** of the requested modifications 2-a, 2-b, and 3-d; and **denial** of requested modification 2-c.

Conclusion (Transportation) Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan does not meet the requirements of the county transportation ordinance; and therefore, the preliminary plat should be denied.

STORMWATER:

Approval Criteria

Finding 1

The project is proposed as an infill project. Stormwater and Erosion Control Ordinance (CCC 40.380), apply to development activities that results in 5,000 square feet or more of new impervious area created by an infill development; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities, except those exempted in Section 40.380.030.

The project will create more than 5000 square feet of new impervious surface, involves platting of single-family residential subdivision, and it is a land disturbing activity not exempted in section 40.380.030. Therefore, this development shall comply with the CCC 40.380, Stormwater and Erosion Control Ordinance. The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all

projects meeting the applicability criteria listed in 40.380.020. This project is subject to the erosion control ordinance.

Stormwater Proposal

Finding 2

The project proposes to achieve the required stormwater quality control within two biofiltration swales located in the roadway easement to the south of the proposed site. The preliminary stormwater design report indicates that the proposed biofiltration swales will be designed to treat 70% of the 2-year, 24-hour storms, as required. The preliminary stormwater plan proposes to achieve stormwater quantity control by infiltration of runoff due to 100-year, 24-hour storm within infiltration facilities consisting of drywells and associated perforated pipe systems in central and southern parts of the site. The narrative submitted with the application indicates that the biofiltration facilities are proposed to be publicly owned and maintained and the proposed infiltration facilities will be privately owned and maintained by the homeowners association.

Site Conditions and Stormwater Issues

Finding 3

The applicant has submitted a combined preliminary stormwater plan for this development and Sorenson Park West (PLD2004-00004). The preliminary stormwater report indicates that these proposed developments will create approximately 2 acres of impervious surface. Stormwater report indicates that 0.21 acre of NW 109th Street and all of NW 22nd Avenue (part of Sorenson Park West) will be infiltrated without water quality treatment. To mitigate for this, the project proposes to remove 0.12 acre of existing impervious surface and 0.21 acre of existing impervious surface will be collected and routed through the water quality facility. Stormwater ordinance does not provide credits for replacing impervious surface because the ground beneath these surfaces has been disturbed and restoration to original pervious conditions does not seem to be practical. Furthermore, it appears that the applicant proposes to trade off between existing non-pollution generating impervious surface for the created pollution-generating surface. The project is required to treat 70% of the runoff from all pollution-generating surfaces created by the project.

USDA, SCS mapping shows the site to be underlain by Hillsboro loam and sandy loam soil (HoB, HoC) classified by AASHTO as A-4 soils for the depths of 0 to 86 inches below the ground surface. Hillsboro soils are designated as hydrologic group "B". Stormwater and Erosion Control Ordinance, CCC 40.380, does not list A-4 soils as suitable for infiltration.

The applicant retained GeoStandards Corporation to conduct infiltration investigation at the subject site in month of July 2003. The soil infiltration investigation report indicates that infiltration tests were conducted in 2 locations; test locations TP-1 and TP-7 (see Exhibit 6, Stormwater Report Figure 2). No groundwater was observed during the infiltration investigation. The infiltration test in these locations showed infiltration rates of 0.36 inch per hour at the dept of 5 feet below existing grade in TP-1 and 12 inches per hour at the depth of 14 feet below ground surface in TP-7. In accordance with CCC 40.380.040(C), the measured infiltration rate shall be equal to or greater than eight (8) inches per hour.

The soil samples from the test locations were not classified based on the AASHTO specifications, as required. In accordance with the provisions of CCC 40.380.040(C)(3)(a), soils classified as A-1-a, A-1-b, A-2-4, A-2-5, and A-3 as defined in AASHTO Specification M145 are suitable for infiltration. However, grain size analysis showed 66.6% and 2.99% passing #200 the sieve for samples from TP-1 and TP-7, respectively. The report indicates that the variations in soil conditions are due to elevation difference of about 10 feet between two exploration locations. It is further indicated that variations should be expected and it is anticipated that the groundwater table will rise during months of peak runoff.

The project uses half of the test rate of 12 inches per hour obtained in TP-1 at the depth of 14 feet below the ground surface. The perforated pipes are proposed to be placed at the depth of 3 and 6 feet below the ground surface. The project proposes infiltration facilities in the central and southern portion of the site, neither one is in the vicinity of TP-1 test location. Furthermore, the tests were performed during July, a dryer month of the year. Staff finds that based on the laboratory test results, the test locations, the site's slope, disposal of stormwater runoff by infiltration is not feasible unless additional field and laboratory tests are performed during the wet weather season and the lowest rate which would provide the highest safety factor is used.

The geotechnical report (Exhibit 6), recommends that surface runoff from roofs should be tight-lined into storm sewer or other approved disposal areas. The stormwater report indicates that substantial grading will be performed to provide for construction of roadways and the home sites. The project proposes to direct runoff from the northeastern corners of the project into individual downspout infiltration systems. However, it is questionable whether it is feasible for the individual homeowners to construct these facilities at the required depth, over the terraced site, and in fill materials. The applicant shall address the impact of mass grading on permeability of subsurface soil layers and the potential impacts of water seepage on the future residences downstream from the proposed infiltration facilities.

In accordance with the provisions of Section CCC 40.380(C) (1)(g), no development within an urban area shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. The proposed development site and the drainage path for the northerly contributory areas are sloped from north to south. This development can potentially cause adverse impacts on the adjacent properties to the north and south of the site. The stormwater plan does not propose measures necessary to prevent blocking the drainage from northern contributory area or adverse impacts to the properties on the south in case of failure of the infiltration facilities.

Conclusion (Stormwater)

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan is not feasible. Therefore, the requirements of the preliminary plan review criteria are not satisfied.

FIRE PROTECTION:

Fire Protection Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Fire Protection Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see condition of Approval A-3).

Fire Protection Finding 3 – Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied for 60 minutes duration is required for this application. A utility review from Clark Public Utilities (Exhibit 6, tab Utility Review Letters) indicates that the required fire flow is available at the site. In addition to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (see condition of approval A-4).

Fire Protection Finding 4 – Fire Hydrants

Fire hydrants are required for this application. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads (see condition of approval A-5).

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 6 at 360-576-1195 to arrange for location approval. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant (see conditions A-3, A-4 and A-6).

Fire Protection Finding 5 - Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (see condition of approval A-6).

Fire Protection Finding 6 - Fire Apparatus Turnarounds

Approved fire apparatus turnarounds are required for this project. The provisions for turning around fire apparatus comply with the Clark County Road Standard (see condition of approval C-1).

WATER & SEWER SERVICE:

Finding 1

Clark Public Utilities and Hazel Dell Sewer District provide public water and sewer services in the area, respectively. The applicant has submitted letters (Exhibit 6, tab Utility Review Letters) from above districts confirming that adequate services are available to the site. This finding does not require a condition of approval.

Finding 2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See condition of approval # E-5).

Finding 2

The existing septic systems must be properly abandoned per Health Department standards. The applicant shall submit an acceptable "Health Department Final Approval Letter" to the county at the time specified in the evaluation letter. (See condition of approval # E-6).

Finding 3

The development review evaluation from the Health Department indicates a large out building on the site will be removed. All demolition wastes must be disposed of according to the county's demolition permit requirements. Proof of appropriate waste disposal in the form of receipt must be presented to the Health Department along with the final plat approval request (see condition of approval A-7).

If underground storage tanks exist on the property, they must be identified and decommissioned in place in accordance with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to the Washington State Department of Ecology at (360) 407-6300. Proof of removal or abandonment must be provided to the Health Department prior to final plat approval (see condition of approval A-8).

IMPACT FEES:

Finding 1

The site is located in Park Impact Fee (PIF) District 9, Vancouver School District Impact Fee (SIF), and Hazel Dell Traffic Impact Fee (TIF) district.

The following note shall be placed on the final plat stating that:

"In accordance with CCC 40.610, except for Lot 12, designated on the final plat as waived, the park, school, and traffic impact fees for each of the proposed 60 new single-family dwellings in this subdivision are:

1. \$2,016 PIF (made up of \$1,576.00 acquisition fee, and \$440.00 development fee) per new single-family dwelling in Park District 9;
2. \$1,725.00 SIF per new single-family dwelling in the Vancouver School District; and,
3. \$1,325.92 TIF per new single-family dwelling in Hazel Dell Traffic Impact fee district.

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules." (See condition of approval B-1)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS). Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period:

Publication date of this DNS is April 12, 2004, and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends on April 26, 2004.

Public Comment Deadline:

April 26, 2004

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$186**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person:

Michael Uduk, (360) 397-2375, ext. 4385.
Krys Ochia, (360) 397-2375, ext. 4834.

Responsible Official:

Michael V. Butts
Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.co.clark.wa.us>

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit 5), and the findings and conclusions stated above, staff recommends that:

1. The Hearings Examiner **Deny** this request, as proposed, because of failure to address sight distance and safety concerns on NE 21st Avenue, and failure to comply with the County's Transportation Concurrency Management System, CCC 40.350.020, Transportation Standards, CCC 40.230, and the Stormwater and Erosion Control Ordinance, CCC 40.380, or,
2. If the Hearings Examiner finds adequate documentation in the record to warrants an approval decision, then the examiner may approve this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A. Conditions that must be met prior to Final Plat approval and recording; or if improvements are approved by the county for bonding or other secure method, such conditions shall be met prior to issuance of Building Permits per CCC, Sections 40.350.030(C)(4)(i) & (j) and 40.380.040N.

Land Use – Zoning:

- A-1** The applicant shall revise the plat to propose lots that comply with the applicable sections of CCC 40.100.070 regarding lots, lot size, and front lot line. See Land Use Finding 4)
- A-2** The applicant shall provide recorded a Quit Claim Deed from Vancouver School District granting the use of the school district's property to construct a temporary cul-de-sac at the terminus of NW 109th Street and for an easement for a 15 foot wide utility easement along the northern property boundary in favor of Hazel Sewer District to run its utility line to serve this development. (See Land Use Finding 5)

Fire Protection:

- A-3** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see Fire Protection Finding 2).
- A-4** Fire flow in the amount of 1,000 gallons per minute supplied for 60 minutes duration is required for this application. A utility review from Clark Public Utilities (Exhibit 6, tab Utility Review Letters) indicates that the required fire flow is available at the site. In addition to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (see Fire Protection Finding 3).
- A-5** Fire hydrants are required for this application. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads (see Fire Protection Finding 4).
- Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 6 at 360-576-1195 to arrange for location approval. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant (see Fire Protection Finding 3, 4, and 5).
- A-6** Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (see Fire Protection Finding 5).
- A-7** The development review evaluation from the Health Department indicates a large out building on the site will be removed. All demolition wastes must be disposed of according to the county's demolition permit requirements. Proof of appropriate waste disposal in the form of receipt must be presented to the Health Department along with the final plat approval request (see Water & Sewer Service Finding 3)
- A-8** If underground storage tanks exist on the property, they must be identified and decommissioned in place in accordance with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to the Washington State Department of Ecology at (360) 407-6300. Proof of removal or abandonment must be provided to the Health Department prior to final plat approval (see Water & Sewer Service Finding 3)

B. Conditions that must be met prior to issuance of Building Permits

B-1 "In accordance with CCC 40.610, except for Lot 12, designated on the final plat as waived, the park, school, and traffic impact fees for 15 of the proposed 16 lots in this subdivision are:

1. \$2,016 PIF (made up of \$1,576.00 acquisition fee, and \$440.00 development fee) per new single-family dwelling in Park District 9;
2. \$1,725.00 SIF per new single-family dwelling in the Vancouver School District; and,
3. \$1,325.92 TIF per new single-family dwelling in Hazel Dell Traffic Impact fee district.

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules." (See Impact Fees Finding 1)

C. Conditions that must be met prior to issuance of Occupancy Permits

Fire Protection:

C-1 Approved fire apparatus turnarounds are required for this project. The provisions for turning around fire apparatus comply with the Clark County Road Standard (see Fire Protection Finding 6).

D. Notes Required on Final Plat

The following notes shall be placed on the final plat:

D-1 "The proposed cul-de-sac at the terminus of NE 109th Street shall be temporary; and, if a through road is required for cross circulation in the area, the road shall be extended as needed." (See Land Use Finding 5)

D-2 Archaeological (all plats):

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

D-3 Mobile Homes:

"Placement of Mobile Homes is prohibited." (See Land Use Finding 6)

D-4 Impact Fees:

"In accordance with CCC 40.610, except for Lot 12, designated on the final plat as waived, the Park, School, and Traffic Impact Fees for each of the 15 new

dwellings in this subdivision are: \$2,016.00 (\$1,576.00 - Acquisition; \$440.00 - Development for Park District #9), \$ 1,725.00 (Vancouver School District), and \$1,325.92 (Hazel Dell TIF district) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-5 Sidewalks:

"Prior to issuance of occupancy permits, sidewalks shall be constructed along all lots as noted. Sidewalks are alternate Type 2."

D-6 Utilities:

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

E. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

Land Division:

E-1 Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

E-2 Prior to recording the final plat, the applicant shall submit a copy of the approved landscape plan(s) for any public right-of-way (if applicable) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

Final Construction Plan Review:

E-3 Prior to construction, the applicant shall submit and obtain county approval of a final stormwater plan designed in conformance to CCC 40.380 (or as otherwise applicable per the vesting date).

E-4 Prior to construction, the applicant shall submit and obtain county approval of a final transportation design in conformance to CCC 40.350.

Water Wells and Septic Systems:

E-5 Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final

Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy).

- E-6** The existing septic systems must be properly abandoned per Health Department standards. The applicant shall submit an acceptable "Health Department Final Approval Letter" to the county at the time specified in the evaluation letter.
- E-7 Pre-Construction Conference:**
Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- E-8 Erosion Control:**
Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.350 (or as otherwise applicable per the vesting date).
- E-9 Erosion Control:**
A copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- E-10 Erosion Control:**
Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- E-11 Erosion Control:**
Erosion control facilities shall **not** be removed without County approval.
- E-12 Excavation and Grading:**
Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).
- E-13 Excavation and Grading:**
Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.
- E-14 Landscaping:**
Prior to the issuance of an approval of occupancy for a site plan, the applicant shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,

4. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal also must explain why such evidence should be considered, based on the criteria in subsection 40.510.030(H)(3).
5. A check in the amount of **\$279** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Copy of SEPA Checklist
- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>